

DATE

Cleve Dunn Jr.
Metropolitan Councilmember, District 6
P.O. Box 1471
Baton Rouge, Louisiana 70821

Re: **Louisiana Board of Ethics**
Docket No. 2021-355

Dear Mr. Dunn,

The Louisiana Board of Ethics, at its meeting on June 4, 2021, considered your request for an advisory opinion as to whether the Code of Governmental Ethics (“Code”) would prohibit the members of the City of Baton Rouge/ Parish of East Baton Rouge Metropolitan Council (“Metro Council”) and legislative aides from receiving free parking at City Hall.

FACTS PROVIDED

You are considering proposing an ordinance to allow Metro Council members and their legislative aides to receive free parking in the Baton Rouge City Hall parking garages. At this time, these individuals pay \$20 per month for parking.

RECEIPT OF FREE PARKING

You ask whether the Code would prohibit the Metro Council members and their legislative aides from receiving free parking in the City Hall parking garages.

La. R.S. 42:1111A(1)(a) provides that no public servant shall receive any thing of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position.

La. R.S. 42:1102(22)(c) provides that “things of economic value” shall not include salary and related benefits of the public employee due to his public employment or salary and other emoluments of the office held by the elected official.

The Board concluded, and instructed me to inform you, that Section 1111A(1)(a) would not prohibit members of the Metro Council and legislative aides from receiving free parking benefits, since the parking benefits would be related to their public employment, salary, and other emoluments of their office, provided that the parking benefits are considered an appropriate use of public funds. The Board suggests you seek an opinion

from the Office of the Attorney General as to whether providing the parking benefits would be considered the appropriate use of public funds.

PARTICIPATION IN VOTE

You also ask whether Metro Council members may vote on the proposed ordinance approving free parking for themselves and their aides.

La. R.S. 42:1112A: No public servant, except as provided in R.S. 42:1120, shall participate in a transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know involving the governmental entity.

La. R.S. 42:1102(21) defines “substantial economic interest” to mean an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons, except:

- (a) The interest that the public servant has in his position, office rank, salary, per diem, or other matter arising solely from his public employment or office.

The Board concluded, and instructed me to inform you, that Section 1112A would not prohibit members of the Metro Council from participating in the vote regarding free parking. Metro Council members would not have a substantial economic interest in the vote, since the free parking would arise solely from each member’s holding of public office and would apply to all members of the Metro Council.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct and that the Board’s expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws.

If you have any questions, please contact me at (800)842-6630 or (225)219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

David M. Bordelon
For the Board